

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA
LINCOLN DIVISION**

ALMA, et al.,

Plaintiffs,

V.

NOAH'S ARK PROCESSORS, LLC,

Defendants.

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Case No.: 4:20-cv-03141

PLAINTIFFS' NOTICE OF CHANGED AUTHORITY

Plaintiffs file this Notice to inform the Court that Congress has not renewed the Families First Coronavirus Response Act, which expired on December 31, 2020. *See* 29 U.S.C. § 2601 note; Pub. L. No. 116-127, § 5109, 134 Stat. 198. The Act still requires employers to pay eligible employees who took sick leave while the Act was in effect. *See* Dep’t of Labor, Wage & Hour Div., *Families First Coronavirus Response Act: Questions and Answers*, No. 105, <https://www.dol.gov/agencies/whd/pandemic/ffcra-questions#105>. As a result of this development, Plaintiffs are no longer pressing their claim that the plant post the specific notice required by the Act. *See* 29 C.F.R. § 826.80(a); PI Br., Dkt. 18, at 23; PI Opp., Dkt. 33, at 9.

This does not affect Plaintiffs’ nuisance or safe-workplace claims, nor does it affect the relief they are seeking. In particular, it remains essential that Defendant provide paid leave to symptomatic and COVID-positive workers, write a clear policy, and communicate it widely to workers and managers. *See* PI Reply, Dkt. 40, at 10-11 (explaining the plant’s undisputed failures in these regards). Other plants, most of whom were never subject to the Act, have been providing these protections for many months now. *See id.*; 29 C.F.R. § 826.40(a) (Act does not apply to entities with 500 or more employees).

Dated: January 6, 2021

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 6, 2021, I electronically filed the foregoing with the Clerk of Court by using the District Court CM/ECF system. A true and correct copy of this notice has been served via the Court's CM/ECF system on all counsel of record.

/s/ Spencer Amdur
Spencer Amdur